

Attorney Docket No. 0140152
Application Serial No. 09/164,432
RECEIVED
CENTRAL FAX CENTERREMARKS

OCT 20 2006

This is in response to the *Non-Final* Office Action, dated October 3, 2006, where the Examiner has rejected claims 1-4, 6-10 and 12-17, and objected to claims 5 and 11. Applicant acknowledges and appreciates the Examiner's statement regarding allowability of dependent claims 5 and 11 if rewritten in independent form. Allowance of pending claims 1-17 in view of the following remarks is respectfully requested.

A. Rejection of Claims 1-4, 6-10 and 13-17 under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-4, 6-10 and 13-17 under 35 U.S.C. § 102(e), as being anticipated by Kohlschmidt (USPN 6,029,061) ("Kohlschmidt"). Applicant respectfully disagrees.

Applicant hereby swears behind the effective filing date of Kohlschmidt, i.e. March 11, 1997, under 37 C.F.R. § 1.131. Under 37 C.F.R. § 1.131, the owner of the claimed invention may submit an appropriate declaration to overcome a reference. The showing of facts shall be such as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the effective date of the reference to a subsequent reduction to practice or to the filing of the application. See 37 C.F.R. § 1.131. Applicant respectfully submits that claims 1-4, 6-10 and 13-17 are allowable over Kohlschmidt based on the following remarks.

Pursuant to 37 C.F.R. § 1.131, attached is a declaration from Robert J. Terry, Assistant General Counsel and Assistant Secretary of Skyworks Solutions, Inc., which is the owner of the above-referenced patent application, including a copy of an Innovation Disclosure. (Decl. ¶ 1.)

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The Innovation Disclosure describes the invention of the above-described patent application in Docket No. 97RSS069, entitled "Use of a low accuracy, low power oscillator for accurate time-keeping between paging channels in a mobile communications system", which was entered into the Innovation Disclosure Database, on January 30, 1997. (Decl. ¶ 3.)

The Examiner will note that the last page of the enclosed Innovation Disclosure clearly shows that the Innovation Disclosure was entered into the Innovation Disclosure Database, on January 30, 1997, which predates the effective filing date of Kohlschmidt, i.e. March 11, 1997. Applicant respectfully submits that the Innovation Disclosure evidences that the inventors conceived and were in possession of the presently claimed subject matter at least on January 30, 1997.

Further, the Innovation Disclosure and also the filing of the above-referenced patent application in the USPTO, i.e. September 30, 1998, evidence that the invention of the above-referenced application was reduced to practice in the United States using due diligence after conception. (Decl. ¶ 4.)

Accordingly, applicant respectfully requests that the rejection of claims 1-4, 6-10 and 13-17, as being unpatentable over Kohlschmidt, under 35 U.S.C. § 102(e), be withdrawn.

B. Rejection of Claim 12 under 35 U.S.C. § 103(a)

The Examiner has rejected claim 12 under 35 U.S.C. § 103(a), as being unpatentable over Kohlschmidt.

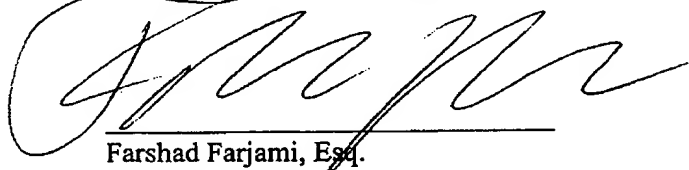
Applicant respectfully submits that claim 12 depends from claim 6, and should be allowed at least for the same reasons stated above in conjunction with patentability of claim 6.

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OCT 20 2006**C. Conclusion**

For all the foregoing reasons, an early notice of allowance for claims 1-17 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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Oct. 20, 2006
Date

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